Remarks

The Non-Final Office Action mailed on April 30, 2007 has been carefully reviewed. Applicant notes with appreciation entry of the Request for Continued Examination filed on February 28, 2006.

Claims 21, 22 and 24 are herewith canceled without prejudice in the interest of advancing prosecution. Applicant specifically reserves the right to prosecute these and other claims in a continuation or continuation-in-part application. Accordingly claims 1, 3-16, 18, 19 and 31-35 are pending. All pending claims stand rejected.

Claims 1 and 13 are herewith amended to more clearly define the invention. Support for the proposed amendments is found, for example, in figures 16 and 17 of the application, and in paragraphs 114-117 thereof. No new matter is added by the proposed amendments.

35 USC §112

Applicant thanks the Examiner for the acknowledgment of domestic priority provided in the pending Office Action and for the withdrawal of previously pending objections to claims 18 and 21. In addition, Applicant notes with thanks the withdrawal of the previously pending rejections under 35 USC §112, first paragraph, of claims 1, 3-12 and 31-35, as well as those of claim 21, 22 and 24. Applicant likewise thanks the Examiner for withdrawal of the rejections of claim 33 and 34 under 35 USC §112, second paragraph.

Further thanks are offered for acknowledgment of Applicant's interpretations of the terms "a separately identified detail drawing", "a separately identified detailed layout" and "markup lines."

35 USC §102

Claims 1, 3-16, 18-19, 21-22, 24 and 31-35 stand rejected under 35 USC §102(a) over the "CADDstar Version 5.2 Help Document," (*hereinafter* 5.2 Help Document) Applicant respectfully traverses the rejections. Claim 18 was canceled in the Office Action Response filed on February 28, 2007 and claims 21, 22 and 24 are canceled herewith, rendering the rejections thereof moot.

As noted in the Office Action Response dated February 28, 2007, the 5.2 Help Document embodies the Applicant's own description of the invention and thus cannot logically predate the claimed invention. The now pending Office Action notes that the present rejection may be overcome by submission of a properly executed affidavit showing that the 5.2 Help Document was solely authored by the inventors named in this application, or was authored entirely under the direction of the inventors named in this application. A declaration conforming to this requirement is respectfully submitted herewith as Appendix A. Accordingly, the rejections of claims 1, 3-16, 18-19 and 31-35 under 35 USC §102(a) over the 5.2 Help Document is overcome. Withdrawal of the subject rejections is therefore respectfully requested.

Applicant thanks the Examiner for withdrawal, in the present Office Action, of the previously pending rejections of claims 13-16, 21-22 and 24 under 35 USC §102(b) over the CADDstar Version 5.0 Help Manual and/or the CADDstar Version 3.81 Help Manual.

The previously pending rejection of claim 19 is maintained in the present Office Action. This rejection is discussed in further detail below, and is believed to be overcome.

With respect to the further rejections of claims 1, 3-16, 18-19, 21-22, 24 and 31-35 under 35 USC §102(a) over the 5.2 Help Document (at paragraph 10 of the now-pending Office Action), Applicant notes the Office Action's indication that this rejection also can be overcome by the above-discussed affidavit. In light of the Declaration submitted at Appendix A hereof, withdrawal of the pending rejections is believed to be in order, and is respectfully requested.

Referring now to paragraph 11 of the Office Action: Claim 19 stands rejected under 35 USC §102(b) over the "CADDstar Version 5.0 help Manual" and/or "CADDstar Version 3.81 Help Manual."

Claim 19 recites in part, "a buffer with first and second optical fibers, said optical fibers having different nominal characteristics wherein said first and second fibers include respective fiber segments identified to respective owners," (emphasis added).

The Office Action proposes that the presence of the term "strand" suggests "optical fiber segments" identified to respective owners. Applicant respectfully traverses. One of ordinary skill in the art would understand that the term "strand" has long been used in relation to the electrical conductors. For example, the McGraw-Hill Standard Handbook for Electrical Engineers (1949) states:

> Stranded conductors are used generally because of their increased flexibility and consequent ease in handling. The greater the number of wires in any given cross-section the greater will be the flexibility of the finished conductor.... The flexibility of any given size of strand obviously increases as the total number of wires increases. It is common practice to increase the

> total number of wires as the strand diameter increases, in order to provide reasonable flexibility in handling. Emphasis added. Section 4-91, page 246, Standard Handbook for Electrical Engineers, 8th Edition, McGraw-Hill Book Company Incorporated, New York, Toronto, London, 1949.

It is clear that the strands referred to here are stranded electrical conductors or "wires." The same handbook makes no indexed mention of fiber optics or optical fiber; nor would one of ordinary skill in the art expect it to. Accordingly, Applicant submits that the discussion of stranded electrical conductors referred to above with respect to the "CADDstar Version 5.0 help Manual" does not teach or suggest "optical fibers... wherein said first and second fibers include respective fiber segments identified to respective owners," or otherwise serve to anticipate claim 19. Therefore, withdrawal of the pending rejection of claim 19 under 35 USC §102(b) over the "CADDstar Version 5.0 help Manual" and/or "CADDstar Version 3.81 Help Manual" is respectfully requested.

35 USC §103

Applicant thanks the Examiner for withdrawal of the previously pending rejections of claims 21, 22 and 24 under 35 USC §103(a) over United States patent number 6,499,006 to Rappaport (*hereinafter* Rapoport). Further rejections of claims 21, 22 and 24, now pending in view of new grounds of rejection, are discussed in additional detail below. Additionally, Applicant thanks the Examiner for the withdrawal of the rejection of claim 13. Applicant notes that the previous rejection of claim 19 under 35 USC §103(a) has been maintained, and will address this rejection in additional detail below.

Claims 1 and 3-6 stand rejected under 35 USC §103(a) over United States patent number 6,499,006 to Rappaport et al. (*hereinafter* Rappaport) in view of "Network Tools and Tasks" by Kyle Kuczun (*hereinafter* Kuczun).

The present invention relates to a system and method for network infrastructure management. Claim 1 recites:

> A method for deploying a fiber optic communication network comprising: storing an attribute of an optical communication component in a computer catalog database entry; associating said catalog database entry with a design profile; selecting said database entry from said design profile; reading said attribute from said database entry; associating said attribute with a planned deployment of a physical instance of said component; and forming a visible image representing said planned deployment, said visible image including a separately identified integrated detail drawing. Emphasis added.

In contrast, the Rappaport reference relates to "[a] method for displaying the results of a predicted wireless communication system performance as a three-dimensional region of fluctuating elevation and/or color within a three-dimensional computer drawing database consisting of one or more multi-level buildings, terrain, flora, and additional static and dynamic obstacles (e.g. automobiles, people, filing cabinets, etc.)."

As discussed in the Response filed on February 28, 2007, the detail drawing is therefore not a functional equivalent of merely magnifying (zooming in on) an otherwise existing entity. According to, Rappaport does not teach or suggest a separately identified detail drawing.

The Kuczun reference is presented in combination with Rappaport in an effort to remedy this deficiency. Kuczun relates to "a suite of computer-based network design tool that employ freehand drawing as an interface." Abstract. According to Kuczun, the Electronic Cocktail Napkin tries to bridge the gap between freehand drawing and computational support. Page 4, column 1, lines 21-22. Kuczun also discusses a find prototype that employs the "Trawl utility program to compare a network design drawn in the Napkin environment with different networks owned on a campus backbone. Page 5, column 2, lines 1-5. However, Kuczun does not, whether taken alone or in combination with Rappaport teach or suggest "a separately identified integrated detail drawing" (emphasis added) as recited in claim 1. Rather, the Kuczun the napkin appears to teach only an access tool, and not an "integrated detail drawing" as illustrated, for example, in figures 16 and 17, and as claimed. Accordingly, the proposed combination of Rappaport and Kuczun does not teach or suggest every feature of the invention, as claimed, and the rejection of claim 1 under 35 USC §103(a) over Rappaport in view of Kuczun is overcome. Withdrawal of the pending rejection is respectfully requested.

Claims 3-6 each depend, directly or indirectly, from claim one 1 incorporate every feature thereof. Accordingly, at least the reasons given above in relation to claim 1, the rejections of claim 3-6 under 35 USC §103(a) over Rappaport in view of Kuczun are also overcome.

Claims 7-9, 12 and 31-35 stand rejected under 35 USC §103(a) over Rappaport in view of Kuczun and in further view of United States patent number 4,866,704 to Bergman (*hereinafter* Bergman).

The Bergman reference relates to an "asynchronous, high-speed, fiber optic local area network originally developed for tactical environments with additional benefits for other environments such as spacecraft, and the like." Abstract. The Bergman reference is offered by the Patent Office for its presentation of "fiber optic equipment."

Claims 7-9, 12 and 31 -35 each depend, directly or indirectly, from claim 1 and incorporate every feature thereof. As discussed above, the combination of Rappaport and Kuczun does not teach or suggest at least the claim 1 feature of "a separately identified integrated detail drawing." The proposed combination of the Bergman reference with Rappaport and Kuczun does nothing to correct this deficiency. Accordingly, the proposed combination does not teach or suggest every feature of the subject claims. Therefore, the rejections of claim 7-9, 12 and 31-35 under 35 USC §103(a) over Rappaport in view of Kuczun and in further view of Bergman are overcome. Withdrawal the rejections is respectfully requested.

Claims 10 and 11 stand rejected under 35 USC §103(a) over Rappaport in view of Kuczun and further view of United States patent number 5,761,432 to Bergholm et al. (*hereinafter* Bergholm).

The Bergholm reference relates to an " attribute design database system provides for inventory management, order process management and design management. The system operates in a telecommunications management network provisioning environment." Abstract.

Claims 10 and 11 each depend directly from claim 1 and incorporate every feature thereof. As discussed above, the combination of Rappaport and Kuczun does not teach or

suggest at least the claim 1 feature of "a separately identified integrated detail drawing." The proposed combination of the Bergman reference with Rappaport and Kuczun does nothing to correct this deficiency. Accordingly, the proposed combination does not teach or suggest every feature of the subject claims. Therefore, the rejections of claim 10 and 11 under 35 USC §103(a) over Rappaport in view of Kuczun and in further view of Bergholm are overcome. Withdrawal the rejections is respectfully requested.

Claims 13 and 16 stand rejected under 35 USC §103(a) over "Modeling Multiple View of Design Object in a Collaborative CAD Environment" by Rosenman (*hereinafter* Rosenman) in view of Rappaport and in further view of Kuczun.

Claim 13 recites:

> A system for planning a network comprising: a first computer including a first memory storage device having application software encoded therein; a second computer, operatively connected to said first computer, having a second memory storage device adapted to record first project data; a third computer, operatively connected to said second computer, having a third memory storage device adapted to record second project data, said first and second project data being substantially instantaneously identical; said software including a catalog portion, a design profile portion, and a calculations portion; said catalog portion being adapted to receive data defining a plurality of communication network components; said design profile portion adapted to receive data defining a plurality of design rules related to logical design of a network; said first data including a logical model of a communications network; said calculations portion being adapted to calculate power and signal relationships within said communications

network; and said software including an integrated detail drawing portion adapted to record a separately identified detailed layout of a network within a multiple dwelling unit. Emphasis added.

The Rosenman reference relates to "collaboration between designers in different disciplines." Abstract. According to Rosenman:

> The conceptual model and hence all future representations derived from that model depend upon the view that one takes regarding the object. That is, of you is a predisposition towards certain conceptions. Within certain common groupings, such as design disciplines, there are, generally, common views and common understandings and agreements regarding the interpretation and descriptive object. In a design context, the view that a person takes depends on the functional concerns of that person, where functional concerns include non-technical functions such as aesthetics, symbolism, psychological effects, etc." Page 4, lines 10-18.

The Office Action acknowledges that Rosenman does not teach or suggest a "detail drawing portion" and the proposed combination of Rosenman with Rappaport and Kuczun is offered in an attempt to remedy this deficiency. As discussed above in relation to claim 1, however, neither Rappaport nor Kuczun teaches or suggests the claim 13 feature of "an integrated detail drawing portion adapted to record a separately identified detailed layout." Accordingly, proposed combination of Rosenman with Rappaport and Kuczun does not teach or suggest every feature of the subject claim. Claim 13 is therefore neither anticipated nor rendered obvious. Therefore, withdrawal of the pending rejection of claim 13 under 35 USC §103(a) over Rosenman in view of Rappaport and in further view of

Kuczun is overcome. In like fashion, the rejection of claim 16, which depends directly from claim 13, should also be withdrawn for at least the same reasons.

Claims 14 and 15 stand rejected under 35 USC §103(a) over Rosenman in view of Rappaport in further view of Kuczun and in further view of Bergman.

Claims 14 and 15 depend, directly or indirectly, from claim 13 and incorporate every feature thereof. As discussed above in relation to claim 1, the combination of Bergman with Rappaport and Kuczun does not serve to teach or suggest an "integrated detail drawing portion." Accordingly, this combination cannot remedy the acknowledged deficiency of Rosenman. Consequently, the proposed combination of Rosenman with Rappaport, Kuczun and Bergman does not teach or suggest every feature of claims 14 and 15, and the rejection of claims 14 and 15 under 35 USC §103(a) over Rosenman in view of Rappaport and in further view of Kuczun and in further view of Bergman should be withdrawn.

Claim 19 stands rejected under 35 USC §103(a) over Rappaport in view of United States patent number 5,821,937 to Tonelli (*hereinafter* Tonelli) and in further view of Bergholm.

The rejection of claim 19 under 35 USC §103(a) over Rappaport in view of Tonelli and in further view of Bergholm is maintained from the previous Office Action. As discussed above in relation to paragraph 11 of the present Office Action the maintenance of this rejection flows from the Patent Office's misapprehension that the use of the term "strand" in relation to an electrical conductor would lead one of ordinary skill in the art to the invention of claim 19, including "a buffer with first and second optical fibers, said

optical fibers having different nominal characteristics wherein said first and second fibers include respective fiber segments identified to respective owners," (emphasis added). Applicant respectfully submits that such is not the case, and that without the use of impermissible hindsight, one of ordinary skill in the art would not arrive at the claimed invention when presented with the combination of Rappaport, Tonelli and Bergholm. According to, the rejection of claim 19 under 35 USC §103(a) over Rappaport in view of Tonelli and in further view of Bergholm should be withdrawn.

Claims 21 and 22 stand rejected under 35 USC §103(a) over Rosenman in view of Kuczun. Claims 21 and 22 are herewith canceled without prejudice. Accordingly, the pending rejections thereof are rendered moot.

Claim 24 stands rejected under 35 USC §103 (a) over Rosenman in view of Kuczun and in further view of Rappaport. Claim 24 is herewith canceled without prejudice. Accordingly the pending rejection thereof is rendered moot.

Claims 1, 3-12, 13-16 and 31-35 stand rejected under 35 USC §103(a) as being unpatentable over "CADDstar Version 5.0 Help Manual" in view of Kuczun. According to the Office Action the present rejections rely on Kuczun for its teaching of a "separately identified detailed drawing." As discussed above in relation to the rejection of claim 1 under 35 USC §103(a), and else where, the Kuczun reference does not teach or suggest "a separately identified integrated detail drawing" as claimed. Accordingly, withdrawal of the subject rejections is believed to be in order, and is respectfully requested

Claims 21, 22 and 24 stand rejected under 35 USC §103(a) over "CADDstar Version 5.0 Help Manual" in view of Rosenman. In view of the cancellation of claims 21, 22 and 24, the rejection is rendered moot.

In light of the foregoing arguments and amendments, all claims in the application are believed to be patentably distinguishable over the prior art of record. Accordingly, allowance of all claims is believed to be in order. Applicant therefore earnestly solicits the allowance of all claims and prompt passage of this application to issue.

A petition for a three (3) month extension of time is transmitted herewith, along with the requisite fee. If required, the Commissioner is hereby petitioned, under 37 C.F.R. § 1.136 (a), to extend the time for filing a response to an outstanding Office Action, or any communication filed in this application by this firm, by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 50-3950 of Bergman & Song LLP, under Order No. H0630-0003-P003.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (617) 868-8871 in Cambridge, Massachusetts.

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Appendix A

Declaration under 37 CFR §1.32